

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEPHEN FEGAN,

Petitioner,

v.

SCHULTZ, et al.,

Respondents.

Case No. 1:24-cv-01250-KES-SAB-HC

ORDER DENYING PETITIONER'S
APPLICATION FOR BAIL

(ECF No. 9)

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On December 2, 2024, Petitioner filed an application for bail pending determination of his petition for writ of habeas corpus. (ECF No. 9.) The Ninth Circuit has “not yet decided whether district courts have the authority to grant bail pending resolution of a habeas petition.” United States v. McCandless, 841 F.3d 819, 822 (9th Cir. 2016). “If district courts have that authority, [the Ninth Circuit has] indicated that it is reserved for ‘extraordinary cases involving special circumstances or a high probability of success.’” Id. (quoting Land v. Deeds, 878 F.2d 318, 318 (9th Cir. 1989)).

On November 8, 2024, the Court issued findings and recommendation recommending dismissal of the petition as successive. (ECF No. 5.) The Court finds that Petitioner has not

1 demonstrated in the petition, objections to the findings and recommendation, or application for
2 bail, a high probability of success on the merits or special circumstances that would warrant his
3 release on bail.

4 Accordingly, IT IS HEREBY ORDERED that Petitioner's application for bail (ECF No.
5 9) is DENIED.

6
7 IT IS SO ORDERED.

8 Dated: **December 3, 2024**

A handwritten signature in blue ink, appearing to read "Stanley A. Boone", is written over a horizontal line.

STANLEY A. BOONE
United States Magistrate Judge